

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6560**

**BILL NUMBER:** SB 402

**NOTE PREPARED:** Dec 8, 2004

**BILL AMENDED:**

**SUBJECT:** Use of Tobacco by an Off-Duty Employee.

**FIRST AUTHOR:** Sen. Clark

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill repeals the prohibition against an employer: (1) prohibiting an employee's off-duty use of tobacco; or (2) discriminating against an employee with respect to compensation, benefits, or terms and conditions of employment based on an employee's off-duty use of tobacco.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** Under current law an employee may bring a civil action if an employer prohibits or discriminates against the employee for off-duty use of tobacco. There are no data available to indicate how many civil actions are brought against employers each year, however, any amounts are likely to be small.

A civil filing fee of \$100 is assessed when a civil case is filed. If a case is filed in a court of record, 70% of the filing fee is deposited in the state General Fund, or, if the case is filed in a city or town court, 55% is deposited in the state General Fund.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If fewer civil actions occur as a result of the bill, local governments would receive less revenue from several sources, however, any impact is likely to be small.

The county general fund receives 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee is deposited in the county general fund and 25% is deposited in the city or town general fund.

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.